

**SUPREME COURT MINUTES  
WEDNESDAY, FEBRUARY 10, 2010  
SAN FRANCISCO, CALIFORNIA**

**S149752** C047617/C048799 Third Appellate District

**ROBY (CHARLENE J.) v.  
McKESSON CORPORATION**

Rehearing denied; opinion modified

**S155556** D050304 Fourth Appellate District, Div. 1

**IN RE PHOENIX H.**

Rehearing denied; opinion modified

Kennard, J., is of the opinion the petition should be granted.

**S178241** D054355 Fourth Appellate District, Div. 1

**PINEDA (JESSICA) v.  
WILLIAMS-SONOMA  
STORES, INC.**

Petition for review granted; issues limited

The petition for review is granted.

The issue to be briefed and argued is limited to the following: Does a retailer violate the Song-Beverly Credit Card Act of 1971 (Civ. Code, § 1747 et seq.), which prohibits a retailer from recording a customer's "personal identification information" when the customer uses a credit card in a transaction, by recording a customer's zip code for the purpose of later using it and the customer's name to obtain the customer's address through a reverse search database?

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S178542** E047207 Fourth Appellate District, Div. 2

**ZHANG (YANTING) v. S.C.  
(CALIFORNIA CAPITAL  
INSURANCE COMPANY)**

Petition for review granted

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S179122** C059615/ C060271 Third Appellate District

**NELSON (D.J.) v. EXXON  
MOBIL CORPORATION**

Petition for review granted

Baxter and Chin, JJ., were recused and did not participate.

Votes: George, C. J., Kennard, Werdegar, Moreno, and Corrigan, JJ.

**S179176** C060710/C060773 Third Appellate District

**GOMEZ (ALFREDO) v. S.C.  
(FELKER)**

Petition for review granted

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S176923** G036560 Fourth Appellate District, Div. 3

**PEOPLE v. TRAN (QUANG  
MINH)**

Issues ordered limited

Briefing and argument is limited to the following issue: Did the court abuse its discretion in allowing the prosecution to introduce evidence of defendant's own uncharged criminal acts in order to prove a pattern of criminal activity for purposes of Penal Code section 186.22, subdivisions (a) and (e)? (See Cal. Rules of Court, rule 8.561, subd. (a)(1).)

**S178140** G040608/G041245 Fourth Appellate District, Div. 3 **PEOPLE v. GLENN (JAMES  
ROY)**

Petition for review granted; briefing deferred (rule 8.512(d)(2))

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. McKee* (January 28, 2010, S162823) \_\_ Cal.4th \_\_, 2010 WL 308011 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Moreno, and Corrigan, JJ.

**S178358** E045215 Fourth Appellate District, Div. 2

**PEOPLE v. JAIMES (LUIS  
ANTONIO)**

Petition for review granted; briefing deferred (rule 8.512(d)(2))

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Cobb*, S159410, and *People v. Lara*, S155481 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S179307** E048115 Fourth Appellate District, Div. 2

**PEOPLE v. MINJAREZ (JOSE  
DANIEL)**

Petition for review granted; briefing deferred (rule 8.512(d)(2))

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Ingram*, S176983, *People v. Hajjaj*, S175307, and *People v. Wagner*, S175794 (see

Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S152880**

**CORNWELL, JR., (GLENN)  
ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed on May 7, 2007, is denied.

All claims are denied on the merits.

Claims 1 through 7, 18, 19, and 21 also are barred because they are untimely (*In re Robbins* (1998) 18 Cal.4th 770, 780) and successive (*In re Clark* (1993) 5 Cal.4th. 750, 767-768). Claims 1 through 3 and 5 through 7 also are barred because they could have been but were not raised on appeal. (*In re Dixon* (1953) 41 Cal.2d 756, 759.) To the extent claim 4 is based upon the record on appeal, it also is barred because it could have been but was not raised on appeal. (*Ibid.*) Claim 6 also is barred because asserted insufficiency of the evidence is not cognizable on habeas corpus. (*In re Lindley* (1947) 29 Cal.2d 709, 723.)

Claims 8, 9, 10, 11, 16, and 17, to the extent they challenge the jury instructions delivered at petitioner's trial, also are barred because they either were raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225), or because they could have been but were not raised on appeal (*In re Dixon, supra*, 41 Cal.2d at p. 759), and because they are untimely (*In re Robbins, supra*, 18 Cal.4th at p. 780) and successive (*In re Clark, supra*, 5 Cal.4th at pp. 767-768). To the extent these claims challenge the constitutionality of the California death penalty scheme, they are not subject to procedural bar.

Claim 20 also is barred to the extent it repeats claims made in petitioner's first petition for writ of habeas corpus. (*In re Miller* (1941) 17 Cal.2d 734, 735.) To the extent this claim asserts ineffective assistance appellate counsel, it also is barred as untimely (*In re Robbins, supra*, 18 Cal.4th at p. 780) and successive (*In re Clark, supra*, 5 Cal.4th at pp. 767-768).

**S177734** B204986 Second Appellate District, Div. 8

**COHEN (PHILIP KENT) v.  
DIRECTV, INC.**

Petition for review & depublication request(s) denied

Werdegar, J., is of the opinion the petition should be granted.

**S177858** B209689 Second Appellate District, Div. 6

**PEOPLE v. BROWN  
(KENNETH)**

Petition for review denied

<b>S178141</b>	D055138 Fourth Appellate District, Div. 1	<b>PEOPLE v. MERCADO (MANUEL)</b>
Petitions for review denied		
<b>S178161</b>	B219952 Second Appellate District, Div. 1	<b>COVINA, CITY OF v. S.C. (RAMIREZ)</b>
The petition for review is denied as moot.		
<b>S178240</b>	C057586 Third Appellate District	<b>PEOPLE v. DIAZ (HUMBERTO)</b>
Petitions for review denied		
<b>S178274</b>	A122626 First Appellate District, Div. 2	<b>WELLS FARGO BANK v. NEILSEN (JAMES)</b>
Petition for review denied Kennard, Baxter, and Corrigan, JJ., were recused and did not participate.		
<b>S178279</b>	D053243 Fourth Appellate District, Div. 1	<b>PEOPLE v. MOORE (DELON MONTEZ)</b>
Petition for review denied		
<b>S178290</b>	B207053 Second Appellate District, Div. 1	<b>PEOPLE v. CUMMINGS (DAVID)</b>
Petition for review denied		
<b>S178364</b>	C059601 Third Appellate District	<b>ENTERCOM COMMUNICATIONS CORPORATION v. ROYCE INTERNATIONAL BROADCASTING CORPORATION</b>
Petition for review denied		
<b>S178415</b>	B209081 Second Appellate District, Div. 3	<b>PEOPLE v. VEGA (CARLOS HUMBERTO)</b>
Petition for review denied		

**S178438** G039421 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. RUMP (JACOB ANTHONY)**

**S178465** D053951 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BROWN (JAMES ANTHONY)**

**S178478** B220092 Second Appellate District, Div. 1

Petition for review denied

**LOPEZ (FELIPE) ON H.C.**

**S178506** C054250 Third Appellate District

Petitions for review denied

**PEOPLE v. TUGGLES (JOSHUA DANIEL)**

**S178526** C058883 Third Appellate District

Petition for review denied

**PEOPLE v. KATZENBERGER (HERBERT AARON)**

**S178527** B198306 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. KIM (DANNY)**

**S178533** C055782 Third Appellate District

Petition for review denied

**PEOPLE v. FOSTER (CARLOS)**

**S178535** E046724 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. FULLER (JAMES JEREMIAH)**

**S178548** B210662 Second Appellate District, Div. 2

Petitions for review denied

**PEOPLE v. DENMARK (DEVIN JEROME)**

<b>S178550</b>	E047193 Fourth Appellate District, Div. 2	<b>PEOPLE v. HENRY (DARREL SCOTT)</b>
Petition for review denied		
<b>S178571</b>	G038778 Fourth Appellate District, Div. 3	<b>PEOPLE v. REYES (CUAUHTEMOC AGUSTIN)</b>
Petitions for review denied		
<b>S178579</b>	E049590 Fourth Appellate District, Div. 2	<b>ROTH (JAMES) ON H.C.</b>
Petition for review denied		
<b>S178588</b>	D053466 Fourth Appellate District, Div. 1	<b>WOODBURY (BARBARA J.) v. SEACREST VILLAS HOMEOWNERS ASSOCIATION</b>
Petition for review & publication request(s) denied		
<b>S178604</b>	B212040 Second Appellate District, Div. 4	<b>PEOPLE v. MALDONADO (JOSE)</b>
Petition for review denied		
<b>S178616</b>	F057235 Fifth Appellate District	<b>VIOLANTE (JOSE JORGE) ON H.C.</b>
Petition for review denied		
Baxter, J., was recused and did not participate.		
<b>S178618</b>	B205392 Second Appellate District, Div. 5	<b>PEOPLE v. GREER (DONALD W.)</b>
Petition for review denied		
<b>S178646</b>	D053089 Fourth Appellate District, Div. 1	<b>JAMESON (BARRY S.) v. DESTA (TADDESE)</b>
Petition for review denied		

**S178654**      A126418 First Appellate District, Div. 2

Petition for review denied

**WAGAN (MANUEL A.) ON  
H.C.**

**S178668**      C058001 Third Appellate District

Petition for review denied

**PEOPLE v. GARCIA-  
SANCHEZ (ANTONIO)**

**S178674**      D055515 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. GARCIA (PETER  
DAVID)**

**S178681**      B213431 Second Appellate District, Div. 6

Petition for review denied

**SMITH (LINDA LEE) ON H.C.**

**S178702**      C060084 Third Appellate District

Petition for review denied

**PEOPLE v. FERREIRA, JR.,  
(EDWARD PETER)**

**S178708**      A122630 First Appellate District, Div. 5

Petition for review denied

**PALAND (DAVID) v.  
BROOKTRAILS TOWNSHIP  
COMMUNITY SERVICES  
DISTRICT BOARD OF  
DIRECTORS**

**S178740**      B208389 Second Appellate District, Div. 5

Petition for review denied

**HINES (LAVERNE) v. LOS  
ANGELES COUNTY  
METROPOLITAN  
TRANSPORTATION  
AUTHORITY**

**S178747**      C063463 Third Appellate District

Petition for review denied

**BUBIER (GEORGE E.) ON  
H.C.**

**S178755** B207438 Second Appellate District, Div. 5  
Petition for review denied

**PEOPLE v. PEREZ (ISIDRO)**

**S178767** E045731 Fourth Appellate District, Div. 2  
Petition for review denied

**PEOPLE v. LUNA (EDWARD JAMES)**

**S178778** A126553 First Appellate District, Div. 2  
Petition for review denied

**HUDSON (DEANGELO) v. S.C. (PEOPLE)**

**S178795** B154641 Second Appellate District, Div. 6  
Petition for review denied

**PEOPLE v. LEE (STEVEN)**

**S178807** B210944 Second Appellate District, Div. 4

**PEOPLE v. VASQUEZ (EVER ANTHONY)**

The petitions for review are denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Dungo*, S176886, *People v. Gutierrez*, S176620, and *People v. Rutterschmidt*, S176213.

**S178816** B211754 Second Appellate District, Div. 2

**SCHOENBERG (E. RANDOL) v. COUNTY OF LOS ANGELES ASSESSMENT APPEALS BOARD**

Petition for review denied

**S178834** A126067 First Appellate District, Div. 1

**WOODS (FREDERICK NEWHALL) ON H.C.**

Petition for review denied

**S178864** B213364 Second Appellate District, Div. 8

**PEOPLE v. CHO (RICHARD W.)**

Petition for review denied



**S178866** B207181 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. BLEDSOE, JR.,  
(OLLIE JAMES)**

**S178879** C063274 Third Appellate District

Petition for review denied

**SINGH (HARMEET) ON H.C.**

**S178900** B220585 Second Appellate District, Div. 3

Petition for review denied

**JIMENEZ (CARLOS) ON H.C.**

**S178903** A126990 First Appellate District, Div. 2

Petition for review denied

**ANDERSON (TRIMAINE) ON  
H.C.**

**S178905** B209776 Second Appellate District, Div. 6

Petition for review & publication request(s) denied

**NORMAN C. WINN TRUST,  
IN RE**

**S178918** B220811 Second Appellate District, Div. 2

Petition for review denied

**SOTO (GABRIEL) ON H.C.**

**S178950** E045416 Fourth Appellate District, Div. 2

Petition for review denied

**BRAR (RASHPAL) v. CITY  
OF BANNING**

**S178979** B196597/B205050 Second Appellate District, Div. 2 **ENAYATI (ALAEDDIN) v.  
ENAYATI (NADJATOLLAH)**

Petition for review denied

**S178999** F056153 Fifth Appellate District

Petition for review denied

**PEOPLE v. KOON (UTAH  
CHARLES)**

<b>S179027</b>	E049735 Fourth Appellate District, Div. 2	<b>SULLIVAN (DORIS JEAN) v. S.C. (SULLIVAN)</b>
Petition for review denied		
<b>S179034</b>	B211949 Second Appellate District, Div. 7	<b>STOWELL (MARTIN) v. MARKSON (BRETT)</b>
Petition for review denied		
<b>S179057</b>	A115453/A116342/A117583 First Appellate District, Div. 5	<b>LIPPETT (PETER E.) v. LEMBI (FRANK)</b>
Petition for review denied		
<b>S179103</b>	D054556 Fourth Appellate District, Div. 1	<b>SOMO (ADEL) v. JONES, WALDO, HOLBROOK &amp; McDONOUGH, P.C.</b>
Petition for review denied		
<b>S179144</b>	B214007 Second Appellate District, Div. 3	<b>KRAYZMAN (LARION) v. KINO (CHRISTINA D.)</b>
Petition for review denied		
<b>S179145</b>	F058923 Fifth Appellate District	<b>SWOPE (ART RAY) v. S.C. (PEOPLE)</b>
Petition for review denied		
<b>S179149</b>	D053362 Fourth Appellate District, Div. 1	<b>PEOPLE v. ANDRES (KEVIN LAMARR)</b>
Petition for review denied		
<b>S179156</b>	G040619 Fourth Appellate District, Div. 3	<b>PEOPLE v. HANSEN (ERNEST EDWARD)</b>
Petition for review denied		

**S179164** F055979 Fifth Appellate District

Petition for review denied

**PEOPLE v. HERREN (JAMES LEWIS)**

**S179167** E047248 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SUMMERLIN (MARCUS)**

**S179169** B209813 Second Appellate District, Div. 8  
Petition for review denied

**PEOPLE v. GRANT (KIP)**

**S179170** B211560 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. DANDURAND (THOMAS G.)**

**S179177** B210232 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. RODRIGUEZ (LUIS JESUS)**

**S179183** E046663 Fourth Appellate District, Div. 2

Petition for review denied

**CASTRO (CHRISTOPHER) v. PALM SPRINGS UNIFIED SCHOOL DISTRICT**

**S179184** C062013 Third Appellate District

Petition for review denied

**SACRAMENTO, CITY OF v. NOEL (DEFRAntze Lucas)**

**S179185** B196535 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. RODRIGUEZ (SALVADOR)**

**S179193****WILSON (LESTER HARLAN)  
v. S.C. (PEOPLE)**

Petition for writ of mandate/prohibition & application for stay denied  
Kennard, J., is of the opinion the petition should be granted.

**S179217**      B214095 Second Appellate District, Div. 2**PEOPLE v. PACKARD  
(JAMES)**

Petition for review denied

**S179222**      A126852 First Appellate District, Div. 1**BURFORD (CRISTINE M.) v.  
S.C. (BURFORD)**

Petition for review denied

**S179249**      E046408 Fourth Appellate District, Div. 2**PEOPLE v. DISON (DONALD  
RAY)**

Petition for review denied

**S179257**      B212543 Second Appellate District, Div. 8**PEOPLE v. RAMIREZ  
(MARTA)**

Petition for review denied

**S179259**      C058986 Third Appellate District**PEOPLE v. LOZANO (MARIO  
HELIODORO)**

Petition for review denied

**S179270**      B213392 Second Appellate District, Div. 4**CHATARD (JOYCE) v.  
OVEROSS (GREG)**

Petition for review denied

**S179284**      H033481 Sixth Appellate District**PEOPLE v. GUTKOWSKI  
(CHESTER EDWARD)**

Petition for review denied

**S179295**

Petition for writ of error coram vobis denied

**WRIGHT (LYLE) v. S.C.  
(PEOPLE)****S179296** E049821 Fourth Appellate District, Div. 2  
Petition for review denied**NELSON (TARZA R.) ON H.C.****S179298** H033259 Sixth Appellate District

Petition for review denied

**PEOPLE v. HARRIS  
(CARLOS R.)****S179310** F057695 Fifth Appellate District  
Petition for review denied**IN RE T.G.****S179313** B221046 Second Appellate District, Div. 2

Petition for review denied

**HUJAZI (MONICA) v.  
S.C.(PEOPLE)****S179520** D056509 Fourth Appellate District, Div. 1

Petition for review &amp; application for stay denied

**WANTON (GREGORY) v. S.C.  
(PEOPLE)****S179539** E047529 Fourth Appellate District, Div. 2

Petition for review &amp; application for stay denied

**DICARA (MARY) v.  
CAHUILLA BAND OF  
INDIANS****S179623**

The application for stay and petition for writ of mandate are denied.

**VON STAICH (IVAN) v. S.C.  
(PEOPLE)**

**S180053** H034441 Sixth Appellate District

The application to appear as counsel pro hac vice is granted.  
The application for stay and petition for review are denied.

**JASMINE NETWORKS, INC.  
v. S.C. (MARVELL  
SEMICONDUCTOR, INC.)**

**S172831**

Petition for writ of habeas corpus denied

**RAMIREZ, JR., (FRANCISCO  
RAMON) ON H.C.**

**S172968**

Petition for writ of habeas corpus denied

**SANCHEZ (RUBEN) ON H.C.**

**S174241**

Petition for writ of habeas corpus denied

**JENSON (JAMES) ON H.C.**

**S175227**

Petition for writ of habeas corpus denied

**RUSSO (VINCENT) ON H.C.**

**S175545**

Petition for writ of habeas corpus denied

**SEWARD (LAMONT) ON H.C.**

**S175575**

Petition for writ of habeas corpus denied

**BOONMY (BOONMI) ON H.C.**

**S175685**

Petition for writ of habeas corpus denied

**COBOS (TONY) ON H.C.**

**S175689**

Petition for writ of habeas corpus denied

**DOTSON (DARRYL  
ALVERTIS) ON H.C.**

**S175697****SOTO (RICARDO) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S175725****BURNS (DARNELL) ON H.C.**

Petition for writ of habeas corpus denied

**S175839****PERRY (KEVIN TYROME)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S175858****McEACHERN (KEVIN) ON  
H.C.**

Petition for writ of habeas corpus denied

**S175879****ENGLUND (DAVID) ON H.C.**

Petition for writ of habeas corpus denied

**S175900****PATE (JEFFREY) ON H.C.**

Petition for writ of habeas corpus denied

**S175909****JOHNSON (KELVIN  
CARVER) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S175922****JONES (JEREMY) ON H.C.**

Petition for writ of habeas corpus denied

**S175934****SIMMONS (DEREK J.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S175936**

Petition for writ of habeas corpus denied

**ESPINOZA (ROGELIO  
CUEVAS) ON H.C.****S175951**

Petition for writ of habeas corpus denied

**CANO (VICTOR MANUEL)  
ON H.C.****S175968**

Petition for writ of habeas corpus denied

**NAPPER, JR., (ERNEST) ON  
H.C.****S175972**

Petition for writ of habeas corpus denied

**GUTIERREZ (ALFONSO) ON  
H.C.****S175974**

Petition for writ of habeas corpus denied

**MOUSA (ALBERT) ON H.C.****S175985**

Petition for writ of habeas corpus denied

**COX (ERNEST) ON H.C.****S175987**

Petition for writ of habeas corpus denied

**SANCHEZ (ANTONIO MEZA)  
ON H.C.****S175993**

Petition for writ of habeas corpus denied

**HARRIS (KENNETH LEE) ON  
H.C.****S176001**

Petition for writ of habeas corpus denied

**HICKS (GARY LEE) ON H.C.**



**S176009****RAMIREZ (ELIASER) ON  
H.C.**

Petition for writ of habeas corpus denied

**S176016****RODRIGUEZ (JOE) ON H.C.**

Petition for writ of habeas corpus denied

**S176020****HOONG (SIN) ON H.C.**

Petition for writ of habeas corpus denied

**S176058****ESCALANTE (DARRYL) ON  
H.C.**

Petition for writ of habeas corpus denied

**S176122****GASTON (STEFAN) ON H.C.**

Petition for writ of habeas corpus denied

**S176125****MORM (SATH P.) ON H.C.**

Petition for writ of habeas corpus denied

**S176129****GONZALES (GILBERT RAY)  
ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S176133****BRENTLINGER (DAVID LEE)  
ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S176163****TRUTTMAN (PAUL) ON H.C.**

Petition for writ of habeas corpus denied

**S176165**

Petition for writ of habeas corpus denied

**TATUM (WILLIE) ON H.C.****S176166**

Petition for writ of habeas corpus denied

**LANCASTER (DAVID GENE)  
ON H.C.****S176187**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**CALDWELL (SAMUEL  
KATHEN) ON H.C.****S176251**

Petition for writ of habeas corpus denied

**CHAMBLISS (BENHARDT)  
ON H.C.****S176273**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**NEISINGER (PATRICK  
CURTIS) ON H.C.****S176289**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

**VANDENBURG (JAMES  
LOREN) ON H.C.****S176293**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**CLARK (CAMERON) ON H.C.****S176296**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**McGILL (DESMOND) ON  
H.C.**

**S176302****WARE (LEO NORVELL) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S176359****STEWART (NORFLEET) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

**S176360****HESS, JR., (LEROY) ON H.C.**

Petition for writ of habeas corpus denied

**S176374****TAASE (OLAESE) ON H.C.**

Petition for writ of habeas corpus denied

**S177595****ARI (ROXANNE) ON H.C.**

Petition for writ of habeas corpus denied

**S178601****ARAMBULA (GONZALO) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S178638****ARAMBULA (GONZALO) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S178744****BUSH (KENNETH PAUL) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S178927****MURO (MARIO) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S179446****HERNANDEZ, JR.,  
(ARMANDO) ON H.C.**

Petition for writ of habeas corpus denied

**S179463****KEITH (LEVELLE) ON H.C.**

Petition for writ of habeas corpus denied

**S179473****ARI (ROXANNE) ON H.C.**

Petition for writ of habeas corpus denied

**S179479****JAMES III (JOHN E.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S179504****MURO (MARIO) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S178802**

D054251 Fourth Appellate District, Div. 1

**SIRY (MOE) v. RUBIN  
(LARRY)**

The request for an order directing publication of the opinion in the above-entitled appeal is denied.

**S178881**

H032605 Sixth Appellate District

**MEYERS (EDWARD J.) v.  
FITZGERALD (EVERETT)**

The request for an order directing publication of the opinion in the above-entitled appeal is denied.

**S178946**      B212958 Second Appellate District, Div. 6      **PEOPLE v. FISHER  
(TYRONE)**

Publication request denied (case closed)

The request for an order directing publication of the opinion in the above-entitled appeal is denied.

The court declines to review this matter on its own motion. The matter is now final.

Werdegar and Corrigan, JJ., are of the opinion the request for publication should be granted.

**S157341**      D049251 Fourth Appellate District, Div. 1      **LEXIN (CATHY) v. S.C.  
(PEOPLE)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to May 10, 2010, or the date upon which rehearing is either granted or denied, whichever occurs first.

**S051342**      **PEOPLE v. CUNNINGHAM  
(JOHN)**

Extension of time granted

Good cause appearing, and based upon counsel Brian A. Pori's representation that he anticipates filing the appellant's reply brief by April 15, 2010, counsel's request for an extension of time in which to file that brief is granted to April 15, 2010. After that date, no further extension is contemplated.

**S080947**      **PEOPLE v. ENRACA  
(SONNY)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General William M. Wood's representation that he anticipates filing the supplemental respondent's brief and answer to the brief of amicus curiae of The Republic of the Philippines by April 3, 2010, counsel's request for an extension of time in which to file these briefs is granted to April 5, 2010. After that date, no further extension is contemplated.

**S082776**      **PEOPLE v. REED (ENNIS)**

Extension of time granted

Good cause appearing, and based upon counsel Gail Harper's representation that she anticipates filing the appellant's opening brief by September 30, 2010, counsel's request for an extension of time in which to file that brief is granted to April 9, 2010. After that date, only three further extensions totaling about 170 additional days will be granted.

**S099549****PEOPLE v. LOPEZ  
(MICHAEL AUGUSTINE)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Evan Young's representation that she anticipates filing the appellant's opening brief by April 13, 2010, counsel's request for an extension of time in which to file that brief is granted to April 13, 2010. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S104665****PEOPLE v. POORE  
(CHRISTOPHER ERIC)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 9, 2010.

**S105403****PEOPLE v. CHHOUN (RUN  
PETER) & PAN(SAMRETH  
SAM)**

Extension of time granted

On application of appellant Samreth Sam Pan and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 9, 2010.

**S105876****PEOPLE v. SUAREZ  
(ARTURO JUAREZ)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 12, 2010.

**S106274****PEOPLE v. CARO (SOCORRO  
SUSAN)**

Extension of time granted

Good cause appearing, and based upon counsel Tracy J. Dressner's representation that she anticipates filing the appellant's opening brief by May 2012, counsel's request for an extension of time in which to file that brief is granted to April 19, 2010. After that date, only 13 further extensions totaling about 750 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S107653****PEOPLE v. CRAWFORD  
(CHARLES EDWARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 9, 2010.

**S110294****PEOPLE v. DAVEGGIO  
(JAMES ANTHONY) &  
MICHAUD (MICHELLE LYN)**

Extension of time granted

Good cause appearing, and based upon counsel David H. Goodwin's representation that he anticipates filing appellant James Anthony Daveggio's opening brief by June 8, 2010, counsel's request for an extension of time in which to file that brief is granted to April 9, 2010. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S113421****PEOPLE v. HARDY  
(WARREN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 9, 2010.

**S118045****PEOPLE v. ADAMS  
(MARCUS)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald F. Turner's representation that he anticipates filing the appellant's opening brief by May 1, 2010, counsel's request for an extension of time in which to file that brief is granted to March 30, 2010. After that date, only one further extension totaling about 30 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S124131****PEOPLE v. BARRETT  
(JOSEPH ANTHONY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 2, 2010.

**S126560****PEOPLE v. ARMSTRONG  
(JAMELLE EDWARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 19, 2010.

**S130659****PEOPLE v. ARMSTRONG  
(CRAIGEN LEWIS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 9, 2010.

**S138474****PEOPLE v. ANDERSON  
(ERIC STEVE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 9, 2010.

**S140140****ELLIOT (MICHAEL LEE) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Stephanie A. Mitchell's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by February 25, 2010, counsel's request for an extension of time in which to file that document is granted to February 25, 2010. After that date, no further extension is contemplated.

**S167166****ROMERO (GERARDO) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Marc A. Kohm's representation that he anticipates filing the opposition to petitioner's motion to defer informal briefing by March 7, 2010, counsel's request for an extension of time in which to file that document is granted to March 8, 2010. After that date, no further extension of time is contemplated.



**S174803** D052915 Fourth Appellate District, Div. 1

**KRINSK (JEFFREY R.) v.  
CHIRON CORPORATION**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to April 26, 2010.

**S177823** G040122 Fourth Appellate District, Div. 3

**NATIONAL PAINT &  
COATINGS ASSOCIATION,  
INC. v. SOUTH COAST AIR  
QUALITY MANAGEMENT  
DISTRICT**

Extension of time granted

On application of Respondent South Coast Air Quality Management District and good cause appearing, it is ordered that the time to serve and file Respondent's Opening Brief on the Merits is extended to March 18, 2010.

**S179789** B200673 Second Appellate District, Div. 4

**PLANNING &  
CONSERVATION LEAGUE v.  
CASTAIC LAKE WATER  
AGENCY/(KERN COUNTY  
WATER AGENCY)/  
(CALIFORNIA  
DEPARTMENT OF WATER  
RESOURCE)**

Extension of time granted

On application of Real Party in Interest, Kern County Water Agency and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to February 23, 2010.

**S179789** B200673 Second Appellate District, Div. 4

**PLANNING &  
CONSERVATION LEAGUE v.  
CASTAIC LAKE WATER  
AGENCY/(KERN COUNTY  
WATER AGENCY)/  
(CALIFORNIA  
DEPARTMENT OF WATER  
RESOURCE)**

Extension of time granted

On application of appellant, Castaic Lake Water Agency, and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to February 23, 2010.

**S179789**      B200673 Second Appellate District, Div. 4      **PLANNING &  
CONSERVATION LEAGUE v.  
CASTAIC LAKE WATER  
AGENCY/(KERN COUNTY  
WATER AGENCY)/  
(CALIFORNIA  
DEPARTMENT OF WATER  
RESOURCE)**

Extension of time granted

On application of Real Party in Interest, California Department of Water Resources, and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to February 23, 2010.

**S179074**      B216250 Second Appellate District, Div. 2      **ANAHEIM, CITY OF v. S.C.  
(PRICELINE.COM, INC.)**

Application to appear as counsel pro hac vice granted

The application of Steven D. Wolens for admission pro hac vice to appear on behalf of City of Anaheim et al., is hereby granted. (See Cal. Rules of Court, rule 9.40.)

**S004384**      **PEOPLE v. GONZALEZ  
(JESSE EDWARD)**

Counsel appointment order filed

Good cause appearing, the Motion for Designation of Associate Counsel as Lead Counsel, filed January 25, 2010, is granted.

The order appointing now-deceased attorney Robert Berke as lead counsel of record for condemned prisoner Jesse Edward Gonzalez, filed December 23, 1997, is hereby vacated. Mark E. Overland, previously appointed as associate counsel of record, is hereby designated as appointed lead counsel of record for condemned prisoner Jesse Edward Gonzalez. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

**S023835**      **PEOPLE v. MORRISON  
(JESSE)**

Withdrawal of counsel allowed by order

Good cause appearing, the "Motion to Withdraw As Lead Counsel, and for Designation of Appointed Associate Counsel as Lead Counsel," filed January 26, 2010, is granted.

The order appointing John L. Dodd as lead counsel of record for condemned prisoner Jesse Morrison, filed November 10, 1994, is hereby vacated.

Robert F. Landheer, previously appointed as associate counsel of record, is hereby designated as

appointed lead counsel of record for condemned prisoner Jesse Morrison. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

**S066527****PEOPLE v. LINDBERG  
(GUNNER JAY)**

Motion for access to sealed record granted

Condemned prisoner Gunner Jay Lindberg's November 16, 2009, "Application for Release of Files, Records and Any Confidential Materials" is granted as follows:

Federal counsel for Lindberg, the Federal Public Defender for the Central District of California, is granted access to the record in *People v. Gunner Jay Lindberg* (S066527), including all sealed or confidential materials except for the sealed envelopes marked as follows: (1) "Police Invest. REPORT" "Pg. 16-29"; (2) "Police REPORT" "Pg. 1"; (3) "Juror Key"; (4) "Unredacted Sworn Juror Questionnaires Pg. 6-115"; (5) "Unredacted Transcript of Jury Voir Dire" "Reporter's Transcript September 10 and 11, 1997"; (6) "Unredacted Transcript of Guilt Phase Verdict" "Reporter's Transcript September 30, 1997"; (7) "Unredacted Transcript of Penalty Phase Verdict" "Reporter's Transcript October 9, 1997"; and (8) Clerk's Transcript "Pg. 89-97." Access to items 3, 4, 5, 6, and 7 is denied without prejudice to the outcome of proceedings in the superior court seeking access to juror information under Civil Procedure section 237, subdivision (b).

It is further ordered that Deputy Federal Public Defender Statia Peakheart not release, or cause to be released, (1) confidential status reports received by this court from Lindberg's counsel or former counsel or the information contained therein, or (2) sealed transcripts for hearings conducted outside the presence of Lindberg, or the information contained therein, to any person, including Lindberg, except that Ms. Peakheart's supervising attorneys at the Office of the Federal Public Defender and any non-attorney staff at the Office of the Federal Defender under the direction of counsel may have access to these materials without further order of the court, and are also bound by the terms of this protective order. Trial court exhibits are not lodged at this court, but in the superior court, and access therefore should be sought in the superior court.

Federal counsel must supply the personnel and equipment necessary to undertake this examination and copying of the records, which must occur on the premises of the court. If counsel wishes to quote, cite, disclose, or describe sealed material in any court papers, those papers must themselves be filed or lodged under seal, for which permission must first be sought.

**S089478****PEOPLE v. MAI (HUNG  
THANH)**

Record ordered unsealed

**S089478****PEOPLE v. MAI (HUNG  
THANH)**

Order filed

Appellant's "Motion to Unseal and Refer to Certain Nonpublic Records in Appellant's Opening Brief," filed January 7, 2010, is granted in part and denied in part as follows.

The Clerk is directed to unseal the following portions of the record on appeal and to provide copies to respondent:

1. Pages 342 through 347 of the October 18, 1999, Reporter's Transcript (2 Sealed RT 342-347);
2. Pages 1079 through 1084 and 1086 through 1088 of the April 12, 2000, Reporter's Transcript (6 Sealed RT 1079-1084, 1086-1088);
3. Pages 125 through 154 of the Clerk's Transcript (1 Sealed CT 125-154).

The Clerk is further directed to provide respondent with copies of the following portions of the record on appeal. These pages must remain under seal and their use must be limited solely to the pending proceeding. (Pen. Code, § 987.9, subd. (d), Cal. Rules of Court, rule 8.610(b)(1).)

1. Pages 1 through 14 of the "Clerk's Transcript of P.S. 987.2 Material Dated March 16, 2007;"
2. Page 30 of the "Clerk's Supplemental Transcript of Confidential 987.3 Documents Dated January 9, 2009;" and
3. Pages 21 through 168 of the "Clerk's Transcript of P.C. 987.9 Material Dated March 16, 2007."

Appellant's request to permit him to refer to portions of pages 460 through 488 of the March 29, 2000, Reporter's Transcript (3 Sealed RT 460-488), but otherwise maintain the record under seal, is denied without prejudice to filing a motion to unseal the transcript in part. (Cal. Rules of Court, rule 8.46(f)(5), (g), formerly rule 8.160(f)(5), (g).) If appellant chooses to file a motion to unseal the transcript in part, he should file both a public redacted version and a sealed complete version, and include with the public redacted version of his motion a proposed public redacted version of the transcript. (Cal. Rules of Court, rule 8.46(f)(2), formerly rule 8.160(f)(2).)

Appellant's request to unseal pages 155 through 156 of the Clerk's Transcript (1 Sealed CT 155-156), is denied without prejudice to filing a motion to unseal the transcript in part. (Cal. Rules of Court, rule 8.46(f)(5), (g), formerly rule 8.160(f)(5), (g).) If appellant chooses to file a motion to unseal the transcript in part, he should file both a public redacted version and a sealed complete version, and include with the public redacted version of his motion a proposed public redacted version of the transcript. (Cal. Rules of Court, rule 8.46(f)(2), formerly rule 8.160(f)(2).)

**S166402**

B195337 Second Appellate District, Div. 3

**PEOPLE v. SUTTON  
(MICHAEL JEROME)**

Order filed

The motion to take judicial notice, filed by defendant Sutton on January 21, 2009, is granted.

**S168950**      B195213 Second Appellate District, Div. 1      **RUNYON (L. RICHARD) v.  
BOARD OF TRUSTEES OF  
CALIFORNIA STATE  
UNIVERSITY**

Order filed

Respondent's "Motion to Continue Oral Argument," filed February 10, 2010, is hereby denied.

**S178777**      **KOVACIC, ACCUSATION OF**  
Petition denied      (accusation)

**S179133**      **KOVACIC, ACCUSATION OF**  
Petition denied      (accusation)

**S179138**      **KOVACIC, ACCUSATION OF**  
Petition denied      (accusation)

**S179267**      **EARLS, ACCUSATION OF**  
Petition denied      (accusation)

**S179291**      **KAHN, ACCUSATION OF**  
Petition denied      (accusation)

**S179294**      **VERNON, ACCUSATION OF**  
Petition denied      (accusation)

**S179468**      **TODD, ACCUSATION OF**  
Petition denied      (accusation)

**S177003**      **McINTOSH ON DISCIPLINE**

Petition for writ of review denied; recommended discipline imposed

The petition for writ of review is denied.

The court orders that WAYNE K. D. McIntosh, State Bar Number 219820, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. WAYNE K. D. McIntosh is suspended from the practice of law for the first 60 days of

probation;

2. WAYNE K. D. McINTOSH must submit satisfactory proof to the State Bar Office of Probation within 90 days of the effective date of this order that Jeremy Norman has received \$10,000, plus 10 percent interest per annum, said interest to accrue from December 19, 2005;
3. WAYNE K. D. McINTOSH must comply with all other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on July 9, 2009; and
4. At the expiration of the period of probation, if WAYNE K. D. McINTOSH has complied with the conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

WAYNE K. D. McINTOSH must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Kennard, Werdegar, and Moreno, JJ., are of the opinion the petition should be granted.

Fourth Appellate District, Div. 2      **TRANSFER ORDERS**

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division One:

- |     |         |                                   |
|-----|---------|-----------------------------------|
| 1.  | E049167 | People v. Eric Aguilera et al.    |
| 2.  | E049251 | People v. Daniel Ruvalcaba et al. |
| 3.  | E049481 | People v. Lawrence Dileva et al.  |
| 4.  | E049394 | People v. Mario Soto              |
| 5.  | E047729 | People v. Tyhir Duvall            |
| 6.  | E049196 | People v. Martin Mota             |
| 7.  | E049249 | People v. Ruperto Rojo            |
| 8.  | E049520 | People v. Anthony Miles           |
| 9.  | E049247 | People v. Thomas Bodnar           |
| 10. | E049126 | People v. Howard Edwards et al.   |
| 11. | E049295 | People v. Ray George et al.       |
| 12. | E047106 | People v. John Wynn, Jr.          |
| 13. | E049515 | People v. Dudzai Pswatai          |

**BAR MISC. 4186    IN THE MATTER OF THE APPLICATION OF THE COMMITTEE  
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA  
FOR ADMISSION OF ATTORNEYS (MOTION NO. 909)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

